

Order

Michigan Supreme Court
Lansing, Michigan

November 3, 2005

Clifford W. Taylor,
Chief Justice

128715

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOHN R. JACOBS,
Plaintiff-Appellee,
v

SC: 128715
COA: 258271
Oakland CC: 91-405664-NO

TECHNIDISC, INC., and PRODUCER'S
COLOR SERVICES, INC.,
Defendants-Appellees,
and

MICHIGAN MUTUAL INSURANCE
COMPANY n/k/a AMERISURE MUTUAL
INSURANCE COMPANY,
Intervenor-Appellant.

On order of the Court, the application for leave to appeal the February 22, 2005 order of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues briefed: (1) whether the trial court has jurisdiction to determine at what rate worker's compensation benefits shall be paid, see *Reed v Yackell*, 473 Mich 520, 542 (2005); (2) whether the December 8, 1993 consent judgment constituted a determination of the worker's compensation benefit rate and the obligation to pay the benefit; (3) if so, whether the trial court had the jurisdiction to issue such a judgment; and (4) whether a trial court judgment in a third-party action is subject to modification when an employee's entitlement to worker's compensation under the compensation act changes.

We further ORDER that this case be argued and submitted to the Court together with the case of *VanTil v Environmental Resources Mgmt* (Docket No. 128283), at such future session of the Court as both cases are ready for submission.

The Michigan Trial Lawyers Association, Michigan Defense Trial Counsel, Inc., the Workers' Compensation Law Section of the State Bar of Michigan, and other interested parties are invited to file amicus briefs.



t1031

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 3, 2005

Corbin R. Davis

Clerk